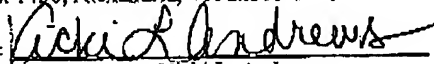


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of:	Group Art Unit: 1642
Applicants: Subhra Chakrabarti, et al.	Confirmation No.: 8318
Serial No.: 10/662,044	Examiner: Catherine Joyce
Filed: September 11, 2003	<u>Certificate of Electronic Filing</u>
Title: ANTIBODIES THAT RECOGNIZE HYPERPROLIFERATIVE CELLS AND METHODS OF MAKING AND USING SAME	I hereby certify that the attached Response and all marked attachments are being deposited by Electronic Filing on September 1, 2006 by using the EFS - Web patent filing system and addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
Docket No.: 31302-702.201	By:  Vicki L. Andrews

DECLARATION REGARDING AVAILABILITY OF BIOLOGICAL CULTURE
DEPOSIT

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Dear Sir/Madam:

I, Mark Glassy, do hereby declare as follows:

1. I am the inventor of the above-cited patent application.
2. I have deposited with the American Type Culture Collection (ATCC) the following cell lines as referenced in the specification of the above-referenced application:

ATCC Deposit No. PTA-5411, and

ATCC Deposit No. PTA-5412,

in order to satisfy the requirements of 37 C.F.R. 1.801 *et seq.*

3. The date of the above deposit was August 22, 2003, and a copy of the ATCC Deposit receipt showing that the cells were viable as of September 4, 2003 is attached.

C:\NrPartbl\PALIB1\VA2\2946498_1.DOC

Application No. 10/662,044
Attorney Docket: 31302-702.201

4. The name and address of the depository is:

American Type Culture Collection
10801 University Blvd.
Manassas, VA 20110-2209
Telephone: (703) 365-2700
Fax: (703) 365-2701

The ATCC is a recognized IDA under 37 C.F.R. 1.803.

5. With respect to the permanence of the cell line deposit:

(a) the depository, the ATCC, is an official depository in accordance with the Budapest Treaty for the above deposited cultures;

(b) as noted in the attached receipt, the depository affords permanence of the deposit for at least 30 years or at least 5 years after the most recent storage request, whichever is longest.

6. I affirm that should the cell lines mutate, become nonviable or be inadvertently destroyed, I will replace such cell lines for at least 30 years from the date of the original deposit; or at least 5 years from the date of the most recent request for release of a sample or for the life of any patent issued on the above-mentioned application, plus six (6) years to cover the statute of limitations, whichever period is longer.

7. With respect to availability of the cell lines I affirm that the deposit has been made under conditions of assurance of:

(a) access to the cell lines will be available during the pendency of the patent application making reference to the cell lines to one determined by the Commissioner to be entitled thereto under 37 C.F.R. §1.14 and 35 U.S.C. §122, and

(b) subject to paragraph (b) of 37 C.F.R. §1.808, all restrictions imposed on the availability to the public of the cell lines will be irrevocably removed upon the granting of a patent.


8. I hereby declare that all statements made herein are of my own knowledge and are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so

Application No. 10/662,044
Attorney Docket: 31302-702.201

made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date: September 1, 2006



Mark C. Glassy, Ph.D.

ATCC

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE**

INTERNATIONAL FORM

**RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.**

To: (Name and Address of Depositor or Attorney)

SHANTHA WEST, Inc.
Attn: Mark C. Glass
1121 Serrano Valley Road
Suite C
San Diego, CA 92121

Depositor or Beneficiary: SHANTHA WEST, Inc.

Identification Reference by Depositor:

Human Hyaluronate: RH2
Human Hyaluronate: RH2

Patent Deposit Designation

PTA-5411
PTA-5412

The deposits were accompanied by: no detailed description, a proposed taxonomic designation indicated above. The deposits were received August 22, 2003 by the International Depository Authority and have been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the material for 30 years.

The strains will be made available to a patent office pursuant to the Budapest Treaty certifying one's right to receive it if a U.S. Patent is issued covering the strains, and ATCC is instructed by the United States Patent & Trademark Office to release said strains.

If the cultures should not be recovered during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or 10 years after the last request for a sample, whichever is longer. The United States and many other countries are signatories to the Budapest Treaty.

The viability of the cultures listed above was tested September 4, 2003. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA

Signature of person having authority to represent ATCC:

Mark C. Glass
Mark C. Glass, Patent Specialist, ATCC Patent Depository

Date: September 29, 2003

cc: John Weatherall

ATCC

Potential Depository
 10000 University Boulevard
 Manassas, VA 20108-2209
 Tel: (703) 368-2743
 Fax: (703) 368-2740

To:	Patent Office
Company:	STRANITRAVE LTD INC.
Ref No:	US 6,522,201
Address:	2000000 Ave. Street
Phone:	703-368-2743
E-mail:	stranitrave@stranitrave.com
Date:	September 22, 2006
Reference:	Lab. report PTA 501 (GSE) and PTA 512 (RM)

COMMENTS:

Attached is the lab copy of the results of PCR test on your material submitted for patent deposit purposes on August 22, 2006 for your information only.

Thank you

Maria Harris

Maria Harris

ATCC

Mycoplasma Detection

PCR REPORT for

Customer Name: Patel, HarOrder Number: in-house

	Customer Designation	ATCC Code	Amplified Product Detected ¹
A	NCMP	Positive Control	yes
B	NCMP	Negative Control	no
1	PTA-381	C2	no
2	PTA-382	C2	no
3			
4			

¹ This test is performed using the following reagents with Roche Molecular Systems, Inc. and Applied Biosystems. A positive result indicates detection of amplified DNA in the 200-400bp size range. A negative result indicates that there was no amplified DNA detected in the 200-400bp size range. Some samples may require further study to confirm initial results. Final results will be reported the following week.

DNA harvested from the above listed samples has been subjected to amplification by PCR using primers included in the ATCC Mycoplasma Detection Kit. These primers amplify produce DNA fragments of characteristic size when the primers are allowed to amplify DNA from cultures containing *Aeromonas salmonicida*, *A. hydrophila*, *A. caviae*, *A. hydrophila*, *A. caviae*, *A. hydrophila*, *A. caviae*, and *A. hydrophila* as well as many other species of mycoplasmas. While the primers exhibit excellent specificity, production of DNA amplicons in the 200-400bp size range from other pathogens such as certain strains of *Yersinia* and *Chlamydia* has been observed. The primers may also amplify mycoplasma specific DNA fragments from mycoplasmas that have been inactivated by heat or other treatments or other techniques that leave the mycoplasma DNA intact.

COMMENTS

Collopy, Sergio

Biologist

9/12/06

Signature

Title

Date

Reviewed by: Debby Polyer

TOTAL P. 02

109-00, 107 West 11th, Boulder, CO
Newman & Virginia 208 10-2205 USA

SHENYIA WEST, Inc.
Attn: Mark C. Olney
1231 Sonoma Valley Road
Suite C
San Diego, CA 92121

[illegible]